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.to do justly, to love mercy, and to walk humbly with God. Micah 6:8

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SUPERIOR COURT

**IN THE JUVENILE COURT,  
STATE OF ARIZONA, APACHE COUNTY**

**IN THE MATTER OF:**

**CASE NO. JV 2008-065  
REQUEST FOR ADDITIONAL  
DISCLOSURE**

**CHRISTIAN RYAN ROMERO,  
A person under 18**

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The Juvenile, through counsel and pursuant to Rule 16 of the Rules of Procedure in Juvenile Court, the 6<sup>th</sup> and 14<sup>th</sup> Amendments to the US Constitution, and Article 2 § 24 of the Arizona Constitution, again moves the Court to order the disclosure of the juvenile histories and treatment records of those juvenile “victims” alluded to in the petition to revoke probation.

The probation department and the State have filed a petition to revoke the Juvenile’s probation citing, among other things, assaultive behavior toward other juveniles at the facility. Since the other juveniles’ conduct and statements will be part of the revocation proceedings, either directly or indirectly, the Juvenile should be permitted to impeach them with their bias and the ability to perceive and accurately recount the events that make up the allegations.

The government objected to such disclosure on the grounds that juvenile adjudications are not competent evidence for impeachment. The State is wrong, and under Arizona law, juvenile adjudications are not only admissible to show bias, they are also considered Brady material under Rule 15 of the Arizona Rules of Criminal Procedure. See *State v. Van Den Berg*, 164 Ariz. 192, 791 P.2d 1075, (App.1990).

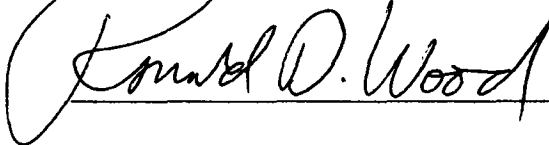
The Appellate Courts have already ruled that the probationary status of witness, coupled with allegations of misconduct was probative of their alleged bias in favor of the State. As a result, it was a proper subject of inquiry at trial. *State v. Van Den Berg*, 164 Ariz. 192, 194–195, 791 P.2d 1075, 1077–1078 (App.1990). Moreover, limitation of impeachment interferes with Defendant's Sixth Amendment right of confrontation. In *Davis v. Alaska*, 415 U.S. 308, 94 S.Ct. 1105, 39 L.Ed.2d 347 (1974), the Supreme Court considered a trial court's order precluding defendant from eliciting the juvenile probationary status of a witness named Green. In reversing the conviction in *Davis*, the Court noted that the juvenile probation status was relevant to a theory of impeachment where the juvenile witnesses could be attempting to minimize their misconduct and where they have a bias in favor of the state, which could pursue allegations of misconduct against the juvenile witnesses due to their status as probationers. *State v. Salazar* 182 Ariz. 604, 609-610, 898 P.2d 982, 987 - 988 (Ariz.App. Div. 1,1995)

Like the juvenile convictions, the other juvenile-witnesses record of commitment and treatment is also relevant to impeach. Each of the juveniles present at YDI were committed there for treatment, and for a reason, and the regime and sort of treatment they undergo is relevant to determine their credibility—are the juveniles on medications? Do they have mental health issues? Have they demonstrated a proclivity to be dishonest or violent? These are relevant questions for the Juvenile to ask when impeaching the testimony of the other juvenile witnesses in the case. The State is in possession of this information, and under the Rules of Procedure in both juvenile and adult court, the government must disclose it.

Therefore, the Juvenile again requests that the Court require that the government disclose the juvenile records, including treatment records, of those juvenile witnesses who are alluded to in the petition to revoke probation.

RESPECTFULLY SUBMITTED the 28 day of March 2012, by:

Ronald D. Wood  
201 S. White Mountain Rd.  
Show Low, Arizona 85901

A handwritten signature in cursive script that reads "Ronald D. Wood". The signature is written in dark ink and is positioned over a horizontal line.

COPY of the foregoing handed/faxed/mailed  
the 28 day of March 2012, to:  
Honorable Monica L. Stauffer, by fax  
Mr. Allan Perkins, CDCA, Apache County  
Client